

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NATIONAL PRODUCTS, INC.,

Plaintiff,

v.

GAMBER-JOHNSON, LLC,

Defendant.

Civil Case No. CV08-0049-JLR

**DECLARATION OF MARK P.  
WALTERS IN SUPPORT OF  
PLAINTIFF NATIONAL  
PRODUCTS, INC.'S MOTION TO  
REOPEN CASE AND MOTION FOR  
EXPEDITED DISCOVERY**

**Noted on Motion Calendar:  
Friday, May 2, 2008**

**ORAL ARGUMENT REQUESTED**

I, Mark P. Walters, hereby declare as follows:

1. I am an attorney representing Plaintiff National Products, Inc. ("NPI") in the above-referenced matter. I make these statements upon my own personal knowledge. If called to testify regarding the matters set forth herein, I am competent and willing to do so.

2. Attached as Exhibits A through D to my Declaration are proposed discovery requests including:

- Exhibit A: NPI's First Set of Requests for Products of Documents.
- Exhibit B: *A Subpoena Duces Tecum*, and Notice for Deposition of David Long.
- Exhibit C: *A Subpoena Duces Tecum*, and Notice for Deposition of Thomas Marks & Associates.

- Exhibit D: A Notice of Deposition for Gamber Johnson under Rule 30(b)(6).

3. In my professional judgment, I believe that this discovery may be completed within a period of one month, where documents responsive to these requests are produced within two weeks of the Court's order authorizing expedited discovery.

4. On information and belief, the Marketing and Public Relations firm behind "The Mounting Evidence" Infomercial is Thomas Marks & Associates ("TMA"). Pages printed from TMA's website claiming to have produced the accused infomercial are attached to my Declaration as Exhibit E.

5. In settlement talks and correspondence, Gamber indicated that it was prepared to remove "The Mounting Evidence" from its website and also agree not to further disseminate any of its remaining inventory of the DVD, but only if NPI would agree to settle an unrelated case.

6. Attached to my declaration as Exhibit F is a true and accurate printing of a web page located at the following URL: <http://www.emsresponder.com/publication/bio.jsp?id=179&pubId=1+id%3D4357>. On information and belief, this web page sets forth the correct biographical information and experience for David Long, the narrator of "The Mounting Evidence" DVD.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed in King County, Washington on April 17, 2008.

s/ Mark P. Walters  
Mark P. Walters

**CERTIFICATE OF SERVICE**

I, Sharie L. Parks, hereby certify that on April 17, 2008, I caused the foregoing  
**DECLARATION OF MARK P. WALTERS IN SUPPORT OF PLAINTIFF  
NATIONAL PRODUCTS, INC.'S MOTION TO REOPEN CASE AND MOTION FOR  
EXPEDITED DISCOVERY** to be served on the following parties as indicated below:

Mark S. Parris Molly Terwilliger HELLER EHRMAN LLP 701 Fifth Avenue, Ste. 6100 Seattle, WA 98104-7098  <i>Attorneys for Defendant Gamber Johnson LLC</i>	<input type="checkbox"/> By United States Mail <input checked="" type="checkbox"/> <b>By Legal Messenger</b> <input checked="" type="checkbox"/> <b>By Electronic CM/ECF</b> <input type="checkbox"/> By Overnight Express Mail <input type="checkbox"/> By Facsimile <input type="checkbox"/> By Email [by agreement of counsel]
David De Bruin Michael Best & Friedrich LLP 100 East Wisconsin Avenue Suite 3300 Milwaukee, WI 53202-4108  <i>Attorneys for Defendant Gamber Johnson LLC</i>	<input type="checkbox"/> By United States Mail <input type="checkbox"/> By Legal Messenger <input checked="" type="checkbox"/> <b>By Electronic CM/ECF</b> <input type="checkbox"/> By Overnight Express Mail <input type="checkbox"/> By Facsimile <input type="checkbox"/> By Email [by agreement of counsel]

DATED: April 17, 2008

s/ Sharie L. Parks  
for David K. Tellekson, WSBA No. 33523  
Robert L. Jacobson, WSBA No. 30838  
Mark P. Walters, WSBA No. 30819  
DARBY & DARBY P.C.